

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONER

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHRISTOPHER P. WHITE #05-21015

Full Name of Plaintiff

Inmate Number

v.

Tucker Frey

Name of Defendant 1

Kevin Thomas

Name of Defendant 2

C.O. Gehr

Name of Defendant 3

Maelynn Murphy

Name of Defendant 4

Rachel Fox

Name of Defendant 5

(Print the names of all defendants. If the names of all defendants do not fit in this space, you may attach additional pages. Do not include addresses in this section).

Civil No.

(to be filled in by the Clerk's Office)

☒ Demand for Jury Trial

☐ No Jury Trial Demand

FILED
SCRANTON

JUL 28 2022

PER

DEPUTY CLERK

I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

- ☒ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)
- ☐ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

cc: Legal File

Defendant .6

Lycoming County

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

Name (Last, First, MI)

WHITE CHRISTOPHER P.

Inmate Number

05-21015

Place of Confinement

LYCOMING COUNTY PRISON

Address

277 W 3rd St. Williamsport, PA 17701

City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

☒

Pretrial detainee

☐

Civilly committed detainee

☐

Immigration detainee

☐

Convicted and sentenced state prisoner

☐

Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

Name (Last, First)

Frey Tucker

Current Job Title

Correctional Officer

Current Work Address

277 W 3rd St. Williamsport, PA 17701

City, County, State, Zip Code

Defendant 2:

Name (Last, First)

Thomas Kevin

Current Job Title

Correctional Officer

Current Work Address

277 W. 3rd St. Williamsport, PA 17701

City, County, State, Zip Code

Defendant 3:

Name (Last, First)

Gehr C.O.

Current Job Title

Correctional Officer

Current Work Address

277 W. 3rd St. Williamsport, PA 17701

City, County, State, Zip Code

Defendant 4:

Name (Last, First)

Murphy Maelynn

Current Job Title

Nurse

Current Work Address

277 W. 3rd St. Williamsport, PA 17701

City, County, State, Zip Code

Defendant 5:

Name (Last, First)

Fox Rachel

Current Job Title

Nurse

Current Work Address

277 W. 3rd St. Williamsport, PA 17701

City, County, State, Zip Code

Defendant 6:

County Lycoming

Municipal Entity

48 West Third Street

Williamsport, PA 17701

III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

All of the events took place at Lycoming County Prison in disciplinary lockup on G-Block, and SMU

B. On what date did the events giving rise to your claim(s) occur?

4/18/22, 5/28/22, 5/29/22, 6/12/22, 6/18/22, 12/25/21
5/30/22, 5/31/22

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?)

All of the County defendants was acting under the Color of state law at all relevant times. On 5/28/22, I was serving DLV time in disciplinary lock up in cell # G-14, in G-BLOCK for, unrelated issues when I was assaulted by L.C.P. Correctional Officers. On 5/28/22 at 4:20 PM meal time I showed C.O. Frey my dinner tray to inform him that a full serving of Chicken nuggets was missing from my dinner tray before I started eating it, so that he can order another tray, or serving for me from the kitchen per prison policy, and C.O. Frey just looked at the tray and walked away, without taking the tray in exchange for another.

C.O. Frey then came back to G-14-cell where I am housed to collect the tray while I was still eating, after waiting for him to return without a new tray, or full portion of food I request to see 2nd shift Supervisor Sgt. Stutzman per prison policy C.O. Frey told me that I was not getting a new tray, and

III. STATEMENT OF FACTS

that I couldn't see Sgt. Stutzman, and to give him the "Fucking tray." I told C.O. Frey that, I was hungry, and that I will give him the tray after, I get a full serving for my meal, or see Sgt. Stutzman because, I knew he would make C.O. Frey order the tray from the Kitchen, per prison policy. C.O. Frey said to me, if I gotta come in that cell to get the tray you're gonna be sorry." C.O. Frey walked off the block and returned in 30 sec.; with C.O. Thomas. Upon approaching G-14-cell C.O. Frey, ordered C.O. Gehr in the subcontrol to open G-14-cell, and then ordered my cell mate, Tyshawn Ransom to step out without asking either one of use to cuff up, per prison policy. This was done in effort to assault me inside the cell. C.O. Frey then stepped inside

and said to me that, "this is going to end up bad for you." I asked C.O. Frey to get out, he then yelled, **OFFICER DOWN**, and then charged me into the desk with excessive force, and then slammed me onto the desk, and hit me in the head, C.O. Frey then started choking me. I tried to grab hold of the ladder to the bunk beds so that C.O. Frey couldn't slam me again, then C.O. Thomas came inside the cell, and both officers were all over me, I can't say for sure who was beating on me at that point.

I somehow ended up out of the cell, onto the day room floor with both officers on top of me. Sgt Stutzman responded to G-block along with, C.O. Vargo, C.O. Smith, Nuse Murphy, and

III. STATEMENT OF FACTS

I was escorted to S.M.U. C.O. Frey, do not like me, and refused to get me a full serving of food for my meal in, retaliation for the 4/18/22 grievance pending against him filed by myself, that led to him assaulting me inside of G-14-cell, on 5/28/22. L.C.P. has a policy to treat all inmates fairly, and C.O. Frey was using food, as a punishment for retaliatory, and personal reasons.

As result of the 5/28/22 assault I sustained injuries to my, knee, hand and ribs. I wrote, numerous sick call slips, and was denied medical attention from nurse Murphy, and Fox. This was done in effort to cover up the matters with being assaulted by the two officers, by not making a incident report in my medical file. Every thing with C.O. Frey gets swept under the rug like inmate Walker's death. Inmate Walker committed suicide on, 12/25/21, Christmas Morning, by hanging him self right in front of the entire sub 2 prison population, it was a traumatic experience that I will never forget, all because C.O. Frey ignored inmate Walker's cry for help, and 19 other inmates on the unit, screaming, waving towels, and banging on the cell bars to get C.O. Frey's attention while he just sat inside Subcontrol refusing to make his rounds. L.C.P. allows C.O. Frey to do what ever he wants with impunity due to nepotism. On 5/30/22, I saw Dr. McGlaughlin only because 3rd shift Sgt. White, ordered 1st shift nurse Poorman to put me on the Dr's list during shift change for the first time, since nurse, Murphy, and Fox denied me medical attention

for my injuries from the 5/28/22 assault incident, and the doctor could clearly see the bone in my left rib sticking outwards, and ordered X-rays from, Lackawanna Mobile X-ray, and started me on Motrin for pain. X-rays were taken on 5/31/22, and were said to be negative.

The L.C.P. administration, has refused my request to file a Criminal Complaint against these Officers, for the 5/28/22, assault instead I received a write up, and got (90) days for having a dinner tray at routine 4:20 pm meal time, and was assaulted, on top of the (90) days of D.L.U. time.

L.C.P. does not have a, S.E.R.T. team, or "Cell extraction team" known to the prison population, but through their own policy customs and practice will suit up for problematic inmates that resist. Here there was no need for the use of force, or the amount of force used, it was meal time, and I only wanted the proper portion of food with my assigned dinner tray, and I was not actively resisting, because I was confined to G-14-cell in disciplinary lock up 23, and 1 hour of the day, and did not perceive to be a threat to Officer Frey, because having my assigned dinner tray which is assigned by #6-14-A, at routine 4:20 pm meal time is not an issue nor, is it a security problem. C.O. Frey made no effort to get me a new dinner tray per prison policy, or meet my request to see a Supervisor about the issue, and with a culpable state of mind, inflict cruel, and unusual punishment, by the use of excessive force on me, and as a result of C.O. Frey's actions I suffer from injuries, because C.O. Frey took it upon himself to lead a

cell extraction on his own, without the presence of a Supervisor, and where there was no urgency to do so, under the circumstances, and I was not involved in an altercation prior to this incident, or causing a disturbance at that current time. At no point in time are Lycoming County Prison Correctional Officers allowed, to search a cell without cuffing the inmate first, nor are they allowed to do a cell

III. STATEMENT OF FACTS

extraction on their own, without the presence of a Supervisor, with intent to use excessive force, to maliciously, and sadistically punish inmates, especially when the inmate is currently on D.L.U., S.M.U. Status, and or Maximum Security, they are not allowed inside the cells, and these are L.C.P.'s, policy Customs, and practices that violated my Constitutional rights.

Tyshawn Ransom who was my cell mate at the time of the 5/28/22 assault, and C.O. Thomas could clearly see inside of G-14-cell as witnesses, and could see that I never put a hand on C.O. Frey, and that it was C.O. Frey that attacked me, this is evidenced by camera footage.

I intend to sue, Nurse Murphy, and Fox for acting with deliberate indifference towards me on 5/28/22, and 5/29/22, by denying me medical attention after the 5/28/22 assault by the C.O.'s, and I intend to sue C.O. Frey, C.O. Gehr, and Thomas for their use of excessive force, and cruel and unusual punishment by conspiring to assault me by doing a cell extraction, and with a culpable state of mind, knowingly disregarded an excessive risk to my health, and safety, and I also intend to sue Lycoming County as municipal defendant for the promulgation of their prison policy Customs, and practices that caused the Constitutional harm in their individual, and Official Capacities.

L.C.P. does not have a chow hall, and all of the food trays come to the housing units stacked on carts, at meal time and every cell has a tray slot to pass trays in, and out of each cell, cell extractions, are not the answer to collect trays, at meal time, because they are not contraband, and inmate block runners, are paid to pass out, and collect trays not C.O.'s. I've fully exhausted all administrative remedies.

IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

My State, and Federal Constitutional rights were violated when all parties knowingly disregarded an excessive risk to my health, and safety, and with a culpable state of mind acted with deliberate indifference, Official Oppression, Retaliation, Cruel and unusual Punishment, abuse of discretion, Conspiracy, excessive force, assault, and Due Process with their actions, and the promulgation, of Lycoming County Prison, policy customs and practices that caused my Constitutional Violations of the 1st, 4th, 5th, 6th, 8th, and 14th Amendments of the United States Const. All of the defendant's conduct was motivated by evil motive, and intent to violate my federally protected rights.

V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

Because of the defendants, I sustained injuries to my ribs, hand, knee, head, and still suffer pain in my ribs, and suffer from PTSD, Mental anguish, and Emotional Stress, due to their actions, and their inaction, which was the denial of medical attention.

VI. RELIEF

State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

I seek, Monetary, Punitive, Declaratory, Compensatory, and Presumed damages, from all parties, including the Entity they represent, in their individual, and Official Capacities, and to file Criminal Charges, against these officers, for assault. I also seek a Second opinion from a Outside Physician, and X-rays.

VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.

Christopher P. Ulhite

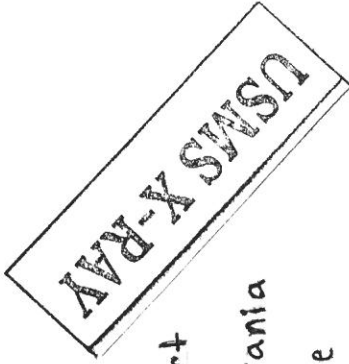
Signature of Plaintiff

7/25/22

Date

Christopher P. White # 05-21015
Lycoming County Prison
277 West Third Street
Williamsport, PA 17701

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